

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-94-0168 GEB KJM

vs.

CHRISTOPHER RAY WITTMAN,

Movant.

ORDER

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Movant is a federal prisoner proceeding pro se with an action he has labeled a petition for a writ of habeas corpus under 28 U.S.C. § 2241. On March 1, 2007, this court adopted the Central District's conclusion that this case was a motion to vacate movant's sentence under 28 U.S.C. § 2255, found that the motion was successive, and directed that the case be transferred to the Court of Appeals for authorization of this successive motion.

On April 9, 2007, movant filed an application for a certificate of appealability under 28 U.S.C. § 2253(c). This court did not deny the motion to vacate movant's sentence, however, but rather transferred the case to the Court of Appeals; there is no order to be appealed. No certificate of appealability will issue.

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Moreover, because the case has been transferred, the Clerk of the Court is directed to close the companion case, Wittman v. United States, Civ. No. S-06-0917 GEB KJM.

IT IS SO ORDERED.

DATED: April 16, 2007.


U.S. MAGISTRATE JUDGE

2
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